right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no ''person be subject for the same offense to be twice put in jeopardy of life or limb . . .'' In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the Federal Government and a State government for the same offense did not offend the doctrine of double jeopardy. One danger of unconstitutionally expanding the Federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

Occasionally the argument is put forth that States may be less effective than a centralized Federal Government in dealing with those who leave one State jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of State sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow States to exact judgments from those who violate their State laws. The Constitution even allows the Federal Government to legislatively preserve the procedural mechanisms which allow States to enforce their substantive laws without the Federal Government imposing its substantive edicts on the States. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one State to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon States in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to centralization of police power.

It is important to be reminded of the benefits of federalism as well as the cost. There are sound reasons to maintain a system of smaller, independent jurisdictions—it is called competition and, yes, governments must, for the sake of the citizenry, be allowed to compete. We have obsessed so much over the notion of ''competition'' in this country we harangue someone like Bill Gates when, by offering superior products to every other similarly-situated entity, he becomes the dominant provider of certain computer products. Rather than allow someone who serves to provide value as made obvious by their voluntary exchanges in the free market, we lambaste efficiency and economies of scale in the private marketplace. Curiously, at the same time, we further centralize government, the ultimate monopoly and one empowered by force rather than voluntary exchange.

When small governments becomes too oppressive with their criminal laws, citizens can vote with their feet to a ''competing'' jurisdiction. If, for example, one does not want to be forced to pay taxes to prevent a cancer patient from using medicinal marijuana to provide relief from pain and nausea, that person can move to Arizona. If one wants to bet on a football game without the threat of government intervention, that person can live in Nevada. As government becomes more and more centralized, it becomes much more difficult to vote with one's feet to escape the relatively more oppressive governments. Governmental units must remain small with ample opportunity for citizen mobility both to efficient governments and away from those which tend to be oppressive. Centralization of criminal law makes such mobility less and less practical.

Protection of life (born or unborn) against initiations of violence is of vital importance. So vitally important, in fact, it must be left to the States' criminal justice systems. We have seen what a legal, constitutional, and philosophical mess results from attempts to federalize such an issue. Numerous States have adequately protected the unborn against assault and murder and done so prior to the Federal Government's unconstitutional sanctioning of violence in the Roe v. Wade decision. Unfortunately, H.R. 503 ignores the danger of further federalizing that which is properly reserved to State governments and, in so doing, throws legal philosophy, the Constitution, the Bill of Rights, and the insights of Chief Justice Rehnquist out with the baby and the bathwater.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 503, and I thank Representative GRAHAM for introducing this legislation again in the 107th Congress. I am a cosponsor of this bill that makes killing a women's unborn child punishable as a Federal crime. The bill simply states that an individual who commits a Federal crime of violence against a pregnant woman and thereby causes death or injury to her unborn child will be held accountable for the harm caused to both victims, mother and child. Twenty-four States have already enacted laws which recognize unborn children as human victims of violent crimes—this bill simply gives the same protection in Federal jurisdictions.

Opponents of the bill have said that it is a back door to eliminating a women's right to choose, but this bill is about choice, Mr. Speaker, it is about respecting—and protecting—a women's choice to bring a new life into this world. H.R. 503 will allow under Federal law for the prosecutions of those who callously disregard that choice.

Mr. BRADY of Texas. Mr. Speaker, I strongly support H.R. 503, The Unborn victims of Violence Act and want to thank my colleague from South Carolina for introducing it.

As you know, H.R. 503 would make it a separate Federal crime to hurt or kill an unborn child during the commission of a Federal crime against a pregnant woman. 24 States currently recognize both the mother and the unborn child as victims of violent crimes. And in 1999, this chamber passed this legislation by a vote of 254 to 172. However, it was never brought up for a vote in the Senate.

I also strongly oppose the Substitute Amendment being offered by Congresswoman ZOE LOFGREN. Her amendment fails to recognize the unborn child as a victim of a crime, even in circumstances when the perpetrator acts with specific intent to kill the unborn child. Under her amendment, a criminal could receive a stiffer sentence for interfering with ''the normal course of the pregnancy'' while committing a Federal crime. The premise of this approach is that there has only been one victim, the mother, who has suffered a compound injury. However, if an expectant mother is shot and her baby is born disabled because of the bullet, would anyone say that only the mother and not the child had been injured. However, if the baby dies before being born, the supporters of the substitute amendment say only one person has suffered. This is wrong.

Mr. Speaker, I would also like to submit for the RECORD a letter from the National Right to Life Committee in support of H.R. 503 and why the Lofgren Substitute should be defeated. I urge my colleagues to consider the points it raises.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.
*Washington, DC, April 23, 2001.*

RE: In opposition to ''one-victim'' substitute amendment to the Unborn Victims of Violence Act (H.R. 503)

DEAR MEMBER OF CONGRESS: As the House of Representatives prepares to take up the Unborn Victims of Violence Act (H.R. 503), the National Right to Life Committee (NRLC) urges you to reject the assertion of those who say that when a criminal assaults a woman and kills her unborn child, nobody has really died.

That is the callous ideological doctrine embodied in the substitute amendment that we anticipate will be offered to H.R. 503 on the House floor (it was offered by Congresswomen Lofgren in the Judiciary Committee, where it was rejected).

The Unborn Victims of Violence Act creates no new federal crimes. Rather, the bill would come into play only when federal authorities have cause to arrest someone for an offense against a woman in one of 68 already-defined federal crimes of violence, by also allowing them to bring a second charge if there has been a second victim, an unborn child. A document circulated by the Planned Parenthood Federation of America asserts that ''nowhere in the bill is harm against women mentioned,'' but that is a blatantly misleading statement. The bill really mentions harm against women 68 times, as it cites the 68 federal crimes of violence against women in which H.R. 503 would apply.

Under the Lofgren Substitute, a criminal could receive a stiffer sentence for interfering with ''the normal course of the pregnancy'' while committing a federal crime, but under the premise that there has only been one victim, the mother, who has suffered a compound injury. This approach is incoherent. In those cases in which the woman dies in the assault, is it not a duplicative charge to prosecute the assailant both for killing the woman and for doing her an additional injury? In other cases, in which the mother survives but the baby dies, the Lofgren Substitute would impose a penalty of life in prison—which seems a harsh penalty, unless somebody has died.

Consider the words of Tracy Marciniak of Wisconsin, who was assaulted in the ninth month of her pregnancy. She was injured and her unborn son, Zachariah, was killed. Because Wisconsin at that time lacked an unborn victims law, the assailant was convicted only for the injury he did to Mrs. Marciniak, and he is already eligible for parole. Mrs. Marciniak explains, ''This one-victim proposal is offensive to me. Its premise is this: On the night my husband beat me, nobody died. But that is not true. That night, there were two victims. I was nearly killed—but I survived. Little Zachariah died.'' Mrs. Marciniak urges House members to look at the photo of her holding Zachariah in her arms at his funeral, and asks, ''Can anybody honestly tell me there is only one victim in that picture?'' (The photo is posted at www.nrlc.org, and appears in NRLC ads that are running various publications this week.)

H.R. 503 explicitly states that nothing in the bill ''shall be construed to permit the prosecution of any person for conduct relating to an abortion for which the consent of the pregnant woman . . . has been obtained.''